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A DDI LOA TIONI NO	THE PAGE	DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
APPLICATION NO.	FILING	DATE .	FIRST NAMED INVENTOR	ATTORNET BOOKET NO.	
10/585,386	07/06/2006		Carl Q. Howard	60469-093 PUS1; PA000.051	2994
5 1170 1	7590	10/29/2007	EXAMINER		
David J Gaske			HESS, DOUGLAS A		
Carlson Gaske	y & Olds		,	HESS, DO	UGLAS A
Suite 350		,	ART UNIT	PAPER NUMBER	
400 W Maple Road					
Birmingham, N	MI 48009		3651		
				MAIL DATE	DELIVERY MODE
				10/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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	Application No.	Applicant(s)				
	10/585,386	HOWARD ET AL.				
Office Action Summary	Examiner	Art Unit				
	Douglas A. Hess	3651				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tin will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on filing	of 7/6/06.					
2a) ☐ This action is FINAL . 2b) ☑ This action is non-final.						
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4) Claim(s) 1-20 is/are pending in the application. 4a) Of the above claim(s) is/are withdraw 5) Claim(s) is/are allowed. 6) Claim(s) 1-20 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or Application Papers 9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) access Applicant may not request that any objection to the content of the conten	vn from consideration. election requirement. r. epted or b) \(\sum \) objected to by the E					
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 7/6/06.	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other: <u>USP 5,042,6</u>	ate atent Application				

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because the Abstract of the Disclosure has not been submitted on a separate sheet of paper. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 8, 10-14, and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Soldat US 5,042,641.

See the attached marked up drawing sheet 1 of 2 depicting the claimed features. It should be noted that the mere functional recitation of "sound transmission reducing member" is clearly met by Soldat even though he does not explicitly state his brush is for that functional purpose. The fact is that any material blocking two separate areas provides some type of sound reduction whether that is the intended purpose or not.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

- 5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
- 6. Claims 4-7, 9, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soldat USP 5,042,641 as cited above.

Soldat teaches the claimed invention as outlined above except for citing the specific materials of foam, solid material, or a metallic flange. It would have been an obvious matter of design choice as to the type of material used for the insulating material/second portion. Soldat does not disclose what material his insulator 2 is made. The mere claiming of a type of known material which possesses insulating properties(all properties possess insulating material of

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varying degrees) is a matter of personal choice and based on the particular application at hand and the selection of one over another does not provide a patentable departure over that of Soldat.

Conclusion

- 7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- 8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas A. Hess whose telephone number is 571-272-6915. The examiner can normally be reached on M-Thurs 5:30 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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9. Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

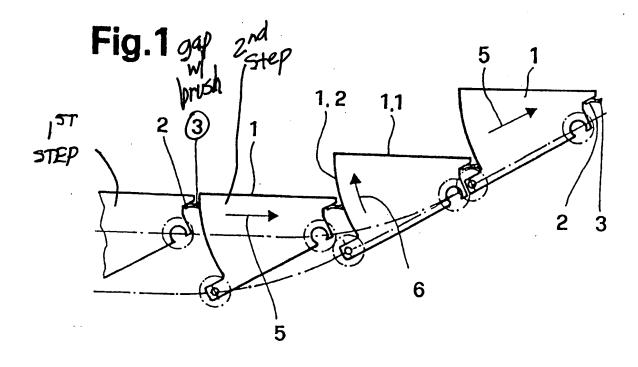
information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Douglas A Hess **Primary Examiner**

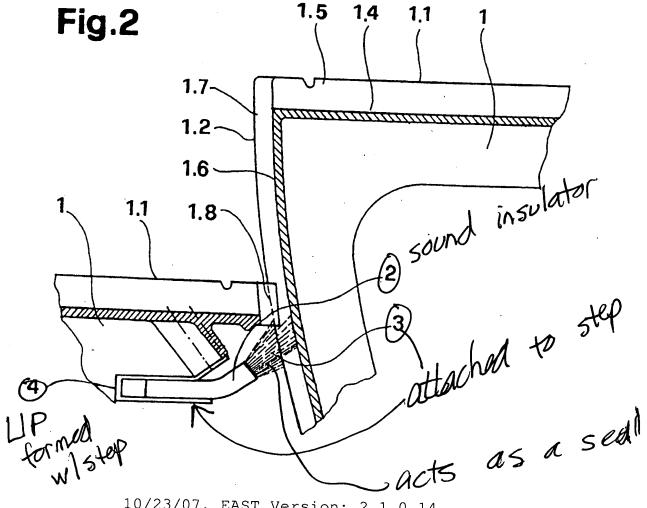
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10/23/07

DAH October 23, 2007



Aug. 27, 1991



10/23/07. EAST Version: 2.1.0.14